

CITY OF ANGELS CITY COUNCIL MINUTES

Tuesday, August 16, 2011

Council Members Present: Jack Boeding (Mayor), Jack Lynch (Vice Mayor), Elaine Morris, Stuart Raggio and Roger Neuman

Staff Present: Richard Matranga, Dave Hanham, Melisa Ralston and Mary Kelly

4:45 p.m. CALL TO ORDER

ADJOURN TO CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (one potential case)
- B. CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO California Government Code Section 54957.6: Non-Exempt Employees, City Employee representatives – Richard Matranga, City Attorney
- C. CONSIDERATION OF APPOINTMENT OF CITY ADMINISTRATOR
Pursuant to Government Code Section 54957

6:00 p.m. RECONVENE TO REGULAR CITY COUNCIL MEETING

ACTION TAKEN IN CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (one potential case)
Action Taken: Council Members Lynch and Neuman to meet with the Planning Director to finalize letter to LAFCO
- B. CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO California Government Code Section 54957.6: Non-Exempt Employees, City Employee representatives – Richard Matranga, City Attorney
Action Taken: Direction given to City Attorney
- C. CONSIDERATION OF APPOINTMENT OF CITY ADMINISTRATOR
Pursuant to Government Code Section 54957
Action Taken: Council voted to offer a contract for full administration services.

APPROVAL OF AGENDA

MOTION by Council Member Lynch, seconded by Council Member Neuman and carried 5-0 APPROVING THE AGENDA AS PRESENTED

STAFF UPDATES

Dave Hanham – Planning Director

- Updated report included in packet
- Utica Hotel is still in escrow

Melisa Ralston – Finance Officer

- Moving forward with new software application

COUNCIL UPDATES

Council Member Morris

- Will be attending CCPA and CSEDD

Mayor Boeding

- Attended LLD

PUBLIC COMMENTS

There were no comments from the public.

CONSENT AGENDA

Council Member Raggio requested item 'h' be removed from the agenda for further discussion.
Council Member Lynch requested item 'e' be removed from the agenda for further discussion

MOTION by Council Member Lynch, seconded by Council Member Morris and carried 5-0 ADOPTING
CONSENT AGENDA ITEMS a-d, f-g

- a. Minutes of Regular meeting – August 2, 2011 (Council Member Neuman abstain)
- b. Resolution 11-27 establishing a use fee for the Kitchen in Utica Park.
- c. Resolution 11-25 Notice of Completion – Accepting work on the Water Treatment Plan Headworks & Misc. Improvements Project
- d. Resolution 11-26 Notice of Completion – Accepting Work on the 2011 Street Improvement Project
- f. Resolution 11-29 Approving the election to pay California Public Employees' Retirement Employer Paid Member Contributions: Miscellaneous Group Plan Employees
- g. Resolution 11-30 Designating tax defer member paid contributions – IRC 414(h) employer pick-up: Miscellaneous Group Plan Employees
- e. Re-appointment of three (3) museum commissioners
Council Member Lynch publicly thanked Museum Commissioner's Tad Folendorf, Kym Flaigg and Jack Johnson for their dedication in serving on the museum and their willingness to be re-appointed.

MOTION by Council Member Lynch, seconded by Council Member Neuman and carried 5-0 RE-
APPOINTING MUSEUM COMMISSIONERS FOLENDORF, FLAIGG AND JOHNSON TO
THREE YEAR TERMS ON THE MUSEUM COMMISSION.

- h. Resolution 11-31 Automated Clearinghouse (direct payroll deposits) at Rabobank for City of Angels/CCOG
Council Member Raggio asked for clarification of direct deposits into Rabobank.

MOTION by Council Member Morris, seconded by Council Member Neuman and carried 5-0
ADOPTING RESOLUTION 11-31. A RESOLUTION AUTHORIZING UTILIZATION OF THE
AUTOMATED CLEARINGHOUSE FEATURE PROVIDED BY RABOBANK FOR THE
PURPOSE OF CONDUCTING CITY BUSINESS

REGULAR MEETING

1. APPROVAL OF WASTEWATER MASTER PLAN CONTRACT

MOTION by Council Member Lynch, seconded by Council Member Raggio and carried 5-0 APPROVING THE SELECTION OF N/V/5 (NOLTE VERTICAL FIVE) FOR PREPARATION OF THE WASTEWATER MASTER PLAN FOR AN AMOUNT NOT TO EXCEED \$79,970.00 AND AUTHORIZING THE INTERIM CITY ADMINISTRATOR TO ENTER INTO A CONTRACT FOR THESE SERVICES

2. ADOPTION OF NON-EXEMPT MEMORANDUM OF UNDERSTANDING

MOTION by Council Member Morris, seconded by Council Member Lynch and carried 5-0 APPROVING RESOLUTION NO. 11-28. A RESOLUTION ADOPTING THE NON-EXEMPT EMPLOYEE ASSOCIATION MEMORANDUM OF UNDERSTANDING

3. MARK TWAIN CLINIC PRESENTATION

Larry Cornish presented a PowerPoint of the new Mark Twain Medical Center being built in Angels Camp

4. PUBLIC HEARING – ADOPTION OF FINAL ENGINEER’S REPORT FOR GREENHORN CREEK LANDSCAPING AND LIGHTING DISTRICT NO. 1 FOR FISCAL YEAR 2011-2012

Paul Backowski, Chair of the LLD explained the background of the assessment figure in the Engineer’s Report. He stated that with the wetlands plan approved, the engineer felt the reserves could be used for projects for the wetlands. The LLD is recommending the assessment charge be changed back to the original \$300.00 instead of the \$1.00 approved in the draft report on July 19th.

6:55 Public Hearing Opened

Craig Turco – Angels Camp

Questioned resolution no. 11-24 which approves the engineer’s final report.

The City Attorney agreed with Turco in part, saying that his concern is the way the resolution is written. He said it appears the increase in assessment from \$1.00 to \$300.00 is based on speculation – a future unknown cost for restoring the wetlands. He felt this is a speculate cost that would not be defensible. His recommendation was to leave the assessment at \$1.00 or suspend totally. He also explained that in order to increase the assessment in the future, per Proposition 218, a vote of residents would need to take place with a 2/3 majority in agreement.

Tim Mohler, LLD Engineer explained the reasoning for keeping the assessment at \$300.00. It was felt the \$1.00 assessment is not sustainable and there would be a need for increasing the assessment within a few years. He asked what would happen if an election to increase the assessment failed.

Steve Difu – Angels Camp

Stated that to be fair, exact figures in the budget are needed – not speculative numbers.

Scott Beheil – Angels Camp

Said that the reserves /surplus will run out at some point. Will the City pay to maintain the wetlands if a vote to increase the assessment fails? He also suggested there be an audit performed to find the money reported missing from the LLD budget.

Bob Trinchero – Angels Camp

Asked for clarification on why a \$1.00 assessment is more defensible than a \$300.00 assessment.

Mike Kristoff – GHC Golf Course
Asked what the cost of an election would be.

7:55 Public Hearing Closed

The City Attorney recommended to Council that they eliminate the assessment completely.

MOTION by Council Member Lynch, seconded by Council Member Neuman and carried 4-1 with Council Member Raggio voting 'NO' ADOPTING RESOLUTION NO. 11-24. A RESOLUTION ADOPTING THE ENGINEERS REPORT, CONFIRMING THE DIAGRAM AND ANNUAL ASSESSMENT, AND PROVIDING FOR THE LEVY OF ASSESSMENTS AND FOR THE COLLECTION OF ASSESSMENTS FOR CITY OF ANGELS LANDSCAPING AND LIGHTING DISTRICT NO. 1 FOR FISCAL YEAR 2011-2012 WITH MODIFICATION REDUCING THE ASSESSMENT TO \$1.00

Meeting was adjourned at 8:30 P.M.

Jack Boeding
Mayor

ATTEST:

Mary Kelly
City Clerk